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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Application Number</b>	09/849168	<b>Docket Number</b>	DT.0101
<b>Filed</b>	05/04/01	<b>Group Art Unit</b>	3623
<b>Examiner</b>	ROBINSON, BOYCE, AKIBA	<b>Customer No.</b>	23669
<b>Application Title</b>	APPARATUS FOR MERCHANDISE PRICE OPTIMIZATION		
<b>First Named Inventor</b>	PHIL DELURGIO		

### FACSIMILE COVER SHEET

**To:** Commissioner for Patents - Central Fax Number  
**Fax Number:** 571-273-8300

**From:** Huffman Patent Group, LLC  
**Fax Number:** 413-653-2743

**Pages:** 62 (including this cover sheet)

Dear Sir:

Please accept the attached correspondence for the above-identified matter. I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date of signature shown below.

Respectfully submitted,  
**HUFFMAN PATENT GROUP, LLC**

*/ Richard K. Huffman/*

By \_\_\_\_\_

**RICHARD K. HUFFMAN, P.E.**  
 Registration No. 41,082  
 Tel: (719) 575-9998

*01/27/2005*

Date \_\_\_\_\_

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<b>First Named Inventor</b>	PHIL DELURGIO		

### INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Attached hereto is Form PTO-1449, submitted under 37 CFR 1.97(d) and 1.97(e)(2), listing documents believed relevant to the subject application. It is respectfully requested that the examiner review the information disclosed herein in detail, independently evaluate each item carefully in the consideration of the pending claims and return an initialed copy of each form to the undersigned.

This disclosure statement should not be construed as a representation that a search has been made, that no other material information as defined in 37 CFR 1.56(a) exists, or as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR 1.56(b) or is available as a reference under 35 U.S.C. §102 *et seq.* Applicant reserves the right to swear behind or otherwise disprove the allege "prior" nature of any art cited should the facts support and the situation warrant such an action.

It is believed that this disclosure complies with the requirements of 37 CFR 1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

The enclosed documents may have markings thereon. No significance is intended to be attached to the markings.

- Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement
- No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.

07/28/2005 MBINAS 00000015 09849168

01 FC:1806 180.00 OP

Application No. 09/849168 (Docket: DT.0101)  
Information Disclosure Statement Transmittal dated 07/27/2005

- Attached hereto is a check for the fee set forth in 37 CFR 1.17(p).
- Attached hereto is a Credit Card Payment Form (PTO-2038) authorizing a charge for the fee set forth in 37 CFR 1.17(p).

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Respectfully submitted,  
**HUFFMAN PATENT GROUP, LLC**

*/ Richard K. Huffman/*

By \_\_\_\_\_

**RICHARD K. HUFFMAN, P.E.**

Reg. No. 41,082

Tel.: (719) 575-9998

*01/21/2005*

Date \_\_\_\_\_

PTO/SB/08A (08-03)

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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	09/849168
				Filing Date	05/04/01
				First Named Inventor	PHIL DELURGIO
				Group Art Unit	3623
				Examiner Name	ROBINSON, BOYCE, AKIBA
Sheet	1	of	2	Attorney Docket Number	DT.0101

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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				Application Number	09/849168
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				Group Art Unit	3623
				Examiner Name	ROBINSON, BOYCE, AKIBA
Sheet	2	of	2	Attorney Docket Number	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	AA	"PCT International Search Report," Application Number PCT/US02/14977, mailed May 5, 2003.			
	AB	Dan Scheraga, "You do the Math," Chain Store Age, Vol. 76, No. 7, July 2000.			
	AC	"Gymboree Enhances Price Management," Retail Systems Alert, Vol. 13, No. 6, June 2000.			
	AD	Binkley et al., "Grocery Market Pricing and the New Competitive Environment," Journal of Retailing, Vol. 74, No. 2, Summer 1998.			
	AE	"Report of Novelty Search," DTD 02-09-01, Patentec, Reference Number 7220, 02/09/2001			
	AF	John D. C. Little, "BRANDAID: A Marketing-Mix Model, Part 1: Structure" Operations Research, Vol. 23, No. 4, July - August 1975, pp. 628-655			

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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